

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRACEY THOMPSON TANSY, et al.,
Plaintiff(s),
v.
NORTH PACIFIC INSURANCE CO., et al.,
Defendant(s).

No. C 05-3494 BZ

**ORDER GRANTING MOTION TO
DISMISS REMAINING CAUSE OF
ACTION**

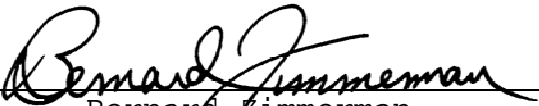
By orders dated October 19, 2006 and January 18, 2006, I set a trial in this matter for July 30, 2007 and directed the parties to file certain trial documents by June 20, 2007. Prior to June 20, stipulations disposed of all claims except Patrick Tansy's claim against North Pacific Insurance Co. See Docket No.'s 58-62. No trial documents were filed by June 20, 2007. Having been informed that North Pacific reached settlement with Mr. Tansy but was unable to secure a signed stipulation of dismissal, I ordered North Pacific to file an appropriate motion and, in the same order, warned Mr. Tansy that he risked being held in contempt if he continued to

1 ignore the Court's orders.

2 North Pacific thereafter filed a motion requesting that
3 Mr. Tansy's claim against them be dismissed with prejudice.
4 With its motion, North Pacific provided a copy of a release of
5 claims form signed by Mr. Tansy. By the terms of the release,
6 Mr. Tansy agreed to dismiss his action against North Pacific
7 in exchange for a dollar payment. North Pacific also provided
8 a copy of an e-mail exchange in which Mr. Tansy gives
9 permission to North Pacific to file a motion to dismiss based
10 upon the settlement. No opposition was filed to North
11 Pacific's motion.

12 Mr. Tansy appears to have settled his claims against
13 North Pacific. The e-mail message supplied by North Pacific
14 and the failure by Mr. Tansy's to file an opposition to the
15 motion or otherwise prosecute his remaining causes of action
16 demonstrates his unwillingness to further pursue his claims as
17 against North Pacific. For these reasons, **IT IS HEREBY**
18 **ORDERED** that Mr. Tansy's claims against North Pacific are
19 **DISMISSED** with prejudice. The hearing scheduled for **August**
20 **15, 2007** is **VACATED**. The Clerk shall close the file.

21 Dated: August 2, 2007

22 
23 Bernard Zimmerman
24 United States Magistrate Judge
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